

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DUANE MORGAN

:

CIVIL ACTION

:

v.

:

:

**THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA**

:

NO. 10-1000

:

ORDER

AND NOW, this 18th day of November, 2010, upon consideration of the cross-motions for summary judgment (Document Nos. 12 and 14) and after a thorough examination of the administrative record, it is **ORDERED** as follows:

1. The defendant's motion for summary judgment is **DENIED**;
2. The plaintiff's motion for summary judgment is **GRANTED**;
3. No later than **December 3, 2010**, the parties shall submit a proposed order awarding the plaintiff relief consistent with the memorandum opinion accompanying this Order. If the parties cannot agree on a proposed order, they shall file separate proposed orders accompanied by explanations not to exceed three pages.
4. Judgment will be entered in favor of plaintiff Duane Morgan and against defendant The Prudential Insurance Company of America after the parties have complied with the preceding paragraph.

/s/ Timothy J. Savage
TIMOTHY J. SAVAGE, J.